

**Government of the District of Columbia**  
**ZONING COMMISSION**



**ZONING COMMISSION ORDER NO. 936**

**Case No. 00-25M**

**(Map Amendment @ Brentwood Road, N.E.)**

**February 12, 2001**

Pursuant to notice, a public hearing was held on an expedited basis by the Zoning Commission for the District of Columbia on January 11, 2001. At that hearing session, the Zoning Commission considered an application from Graimark-Walker Urban Land Development, LLC ("Graimark/Walker") to amend the Zoning Map of the District of Columbia, pursuant to Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022, and the Commission took action to approve the rezoning application.

The application requested that a portion of Lot 1 in Square 3854 (the "Federal Parcel"), which is currently under federal ownership and, thus, is unzoned, be included in the M zone district, and a portion of Parcel No. 131/182 (the "District Parcel") be rezoned from R-5-A to C-M-1. The Federal Parcel consists of 1.73 acres and is currently owned by the U.S. government. The District Parcel consists of 3,407.16 square feet in Parcel 131/182, which is part of a larger 13.5-acre parcel owned by the District of Columbia. The Federal Parcel and the District Parcel will collectively be sometimes referred to herein as the "Subject Property".

**FINDINGS OF FACT**

1. Graimark/Walker is the contract purchaser of the Subject Property, and will assemble them together with other adjacent properties to the west currently owned by WMATA and the District of Columbia to form a 22-acre parcel. The 22-acre parcel will be developed with a matter-of-right retail shopping center (the "Retail Center") to include a Kmart store, a Giant supermarket, and a major retail home improvement retailer. That development is subject to the Large Tract Review process before the Office of Planning. The 22-acre parcel is south of Rhode Island Avenue, N.E., and is bounded by the Rhode Island Avenue Metro Station to the west, Brentwood Road, N.E., to the east, the Bryant Street right-of-way to the northeast, and the U.S. Postal Service Brentwood facility to the south.
2. The Federal Parcel is unzoned, and the District Parcel is zoned R-5-A. The applicant requests that the Federal Parcel be designated M upon its reversion to private ownership, and that the District Parcel be rezoned to C-M-1 to enable the applicant to construct the Retail Center.

3. The R-5-A District permits matter-of-right low-density residential uses with a maximum permitted floor area ratio (FAR) of 0.9, a maximum building height of 40 feet, and a maximum lot occupancy of 40%.
4. The M District permits matter-of-right development of general industrial uses with a maximum FAR of 6.0 and a maximum building height of 90 feet. The M District does not restrict the maximum lot occupancy of sites within that zone district.
5. The C-M-1 District permits matter-of-right low bulk commercial and light manufacturing uses with a maximum FAR of 3.0 and a maximum building height of 40 feet. The C-M-1 District does not restrict the maximum lot occupancy of sites within that zone district.
6. The other portions of the development site, excluding the Subject Property, are zoned M and C-M-1.
7. The property to the west and south of the Federal Parcel is zoned M. The present Federal Parcel was originally zoned M in 1958 before becoming unzoned at the time it was acquired by the U.S. Postal Service in 1984.
8. The Federal Parcel is entirely surrounded by M zoning, and by properties that have been developed for uses compatible with that zoning.
9. The District Parcel is predominantly zoned C-M-1 and is currently used as a part of a vehicle impoundment lot for the District of Columbia.
10. The proposed rezoning is not inconsistent with the Comprehensive Plan. The Comprehensive Plan encourages new and productive uses of currently underused commercial and industrially zoned lands such as the subject Property. In addition, the Comprehensive Plan emphasizes a policy aimed at placing a high priority on retail, commercial and residential development at Metrorail Stations outside of the Central Employment Area. The development of the Retail Center will create permanent and construction jobs and other economic opportunities for District of Columbia residents, generate significant tax revenue to the District of Columbia, and allow a currently underused large tract of land to be put to a new and productive use.
11. The Office of Planning ("OP"), by report dated January 5, 2001 and through testimony at the public hearing, recommended approval of the application, with the condition that the zoning of the Federal Parcel to M zoning would become effective after that parcel reverts to private ownership.
12. OP determined that the Federal Parcel should be zoned to allow for industrial uses consistent with the surrounding property, and that it would be appropriate to rezone the District Parcel to C-M-1 since it is unlikely to be developed for residential uses.
13. The Commission concurs with OP's findings.

14. The Deputy Mayor for Planning and Economic Development, by letter dated January 11, 2001, supported the applicant's requested zoning changes.
15. Ward 5 Councilmember Vincent B. Orange, Sr., by letter dated January 11, 2001, supported the applicant's requested zoning changes.
16. Advisory Neighborhood Commission 5B, by letter dated December 19, 2000, recommended approval of this application by the Commission.
17. Four persons spoke in support of the application at the public hearing. There were no persons or parties in opposition to this application.
18. The Zoning Commission, at the January 11, 2001 hearing, took proposed action to approve the rezoning requested in this application.
19. This application was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC, by report dated February 1<sup>st</sup>, 2001, found that the proposed map amendment would not adversely affect the federal interest in the property, or other federal establishments or other federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan.

#### **CONCLUSIONS OF LAW**

1. Section 5-413 of the D.C. Code establishes the authority of the Zoning Commission "to promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia."
2. At the conclusion of the January 11, 2001 public hearing, the Commission took proposed action to approve the application to zone the Federal Parcel as M zoning when it comes under private ownership, and to rezone the District Parcel from R-5-A to C-M-1. Final action was taken by the Commission to approve the application at its February 12, 2001 public meeting.
3. The Commission has accorded to the Advisory Neighborhood Commission 5B the "great weight" to which it is entitled.
4. The approval of this application is not inconsistent with the Comprehensive Plan for the National Capital.
5. The approval of the application will promote orderly development in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map.

6. The rezoning will not have an adverse impact on the surrounding neighborhood.

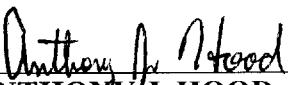
### DECISION


In consideration of the findings and conclusions set forth in this order, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of a change of zoning from R-5-A to C-M-1 for that portion of Parcel No. 131/182 now zoned R-5-A, and from unzoned to the M District the portion of Lot 1 in Square 3854 that is identified in this application.

Vote of the Commission at the public hearing held on January 11, 2001, by a vote 5-0: (Anthony J. Hood, Herbert M. Franklin, Carol J. Mitten, John G. Parsons, and Kwasi Holman to approve).

This Order was **ADOPTED** by the Zoning Commission at its public meeting on February 12, 2001, by a vote of 5-0: (Anthony J. Hood, Herbert M. Franklin, Carol J. Mitten, Kwasi Holman, and John G. Parsons to adopt).

In accordance with 11 DCMR 3028, this Order is final and effective upon publication in the D.C. Register, that is on **FEB 23 2001**.

  
\_\_\_\_\_  
**ANTHONY J. HOOD**  
Chairman  
Zoning Commission

  
\_\_\_\_\_  
**JERRILY R. KRESS, FAIA**  
Director, Office of Zoning